

5811. Misbranding of spaghetti dinner. U. S. v. 43 Cases of Spaghetti Dinner. Default decree of condemnation. Product ordered delivered to a Government hospital. (F. D. C. No. 10313. Sample No. 31182-F.)

LIBEL FILED: August 9, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about July 10, 1943, by the Eldridge Food Sales Co., Portland, Oreg.

PRODUCT: 43 cases, each containing 24 cartons, of spaghetti and powdered seasoning material.

LABEL, IN PART: "Golden Grain Real Italian-Style Spaghetti Dinner with Tomato-Cheese Sauce."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container of the product was so filled as to be misleading since the spaghetti and sauce occupied less than 60 percent of the capacity of the carton.

DISPOSITION: January 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Government hospital.

BAKERY PRODUCTS

5812. Adulteration of fruit cake. U. S. v. 66 Cartons of Fruit Cake and 500 2-Pound and 40 4-Pound Fruit Cakes. Default decrees of condemnation. Product ordered destroyed. (F. D. C. Nos. 11509, 11510. Sample Nos. 50231-F, 50232-F, 66202-F.)

LIBELS FILED: December 28 and 29, 1943, District of New Jersey and Northern District of Ohio.

ALLEGED SHIPMENT: From on or about November 12 to 24, 1943, by the Five-Boro Baking Co., Long Island City, N. Y.

PRODUCT: 66 cartons, each containing 1 4-pound fruit cake, and 500 2-pound and 40 4-pound fruit cakes at Jersey City, N. J., and Youngstown, Ohio.

LABEL, IN PART: "Colonial De Lux [or "Old Fashioned"] Fruit Cake Distributed by the Mack-Murray Co., New York, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 14 and June 17, 1944. No claimant having appeared, judgments of condemnation were entered and product was ordered destroyed.

5813. Adulteration of cheese chips and graham wafers. U. S. v. 196 Dozen Packages and 72 Boxes of Cheese Chips and 89 Dozen Boxes of Graham Wafers. Default decrees of condemnation and destruction. (F. D. C. Nos. 11183, 11187. Sample Nos. 46683-F, 50214-F, 50215-F.)

LIBELS FILED: November 26, 1943, Eastern District of Michigan; and November 29, 1943, Western District of Pennsylvania.

ALLEGED SHIPMENT: From on or about September 23 to November 2, 1943, by the Laurel Biscuit Co., Dayton, Ohio.

PRODUCT: 196 dozen packages of cheese chips at Detroit, Mich., and 72 boxes of cheese chips and 89 dozen boxes of graham wafers at Pittsburgh, Pa.

LABEL, IN PART: "Laurel Cheese Chips," or "Laurel Graham Wafers."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: January 11 and 27, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5814. Misbranding of soya wafers. U. S. v. 48 Packages of Soya Wafers. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 10837. Sample No. 56440-F.)

LIBEL FILED: September 27, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about August 31, 1943, by J. S. Ivins' Son, Inc., Philadelphia, Pa.

PRODUCT: 48 packages, each containing 6 boxes, of soya wafers, at Newark, N. J.

LABEL, IN PART: "Ivins Soya thin Wafers."

VIOLATION CHARGED: Misbranding, Section 403 (a), the name "Soya thin Wafers" was false and misleading as applied to an article in which the soy flour ingredient was not more than 15 percent of the total wheat flour and soy flour ingredients; and the statements on a side panel, "Soya thin Wafers Soya